

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ACCESS 4 ALL, INC., a Florida Not-For-Profit : Case No. 1:07-cv-2923
Corporation, and NELSON M. STERN, :
Individually, : Judge Leonard B. Sand
: Magistrate Judge Frank Maas
Plaintiffs, :
v. : **AFFIDAVIT FOR**
: **JUDGMENT BY DEFAULT**
ULSTER HEIGHTS PROPERTIES, INC., a :
New York Corporation, :
Defendants. :
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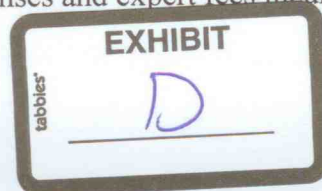
STATE OF FLORIDA)
) ss.:
COUNTY OF MIAMI-DADE)

Lawrence A. Fuller, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am associated with the firm of Fuller, Fuller, attorneys for Plaintiffs in the above-entitled action and I am familiar with all the facts and circumstances in this action.

2. I make this Affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of Plaintiffs' Application for the Entry of a Default Judgment Against Defendant.

3. This is an action for injunctive relief pursuant to Title III of the Americans with Disabilities Act, 42 USC Sections 12181 et seq. ("ADA") and for the reasonable amount of attorney fees, costs, litigation expenses and expert fees incurred in the prosecution of this



litigation. Plaintiffs are entitled to their attorneys fees, costs and litigation expenses pursuant to 42 U.S.C. Section 12205.

4. Jurisdiction of the subject matter of this action is based on 42 U.S.C. Section 12181, et seq. – Federal Subject Matter.

5. This action commenced on April 12, 2007 by the filing of the Summons and Complaint. A copy of the Summons and Amended Complaint was served on the Defendant ULSTER HEIGHTS PROPERTIES, INC. on June 29, 2007, by personal service on the New York Secretary of State and proof of service by the Special Process Server was filed [DE 17]. The Defendant has not answered the Amended Complaint and the time for the Defendant to answer the Amended Complaint has expired.

6. This action seeks injunctive relief to bring Defendant's place of public accommodation, Prel Plaza, into compliance with the Americans With Disabilities Act, to remove all barriers which discriminate against persons on the basis of their disability. Plaintiffs also seek attorney fees, costs, litigation expenses and expert fees awardable under 42 U.S.C. Section 12205.

WHEREFORE, Plaintiffs request the entry of Default Judgment against Defendants.

Dated: Miami, Florida this 27 day of March, 2008.


Lawrence A. Fuller (NY Bar #5450)
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SWORN TO to before me this 27th day of March, 2008, by LAWRENCE A. FULLER
who is known to me and who did take an oath.


NOTARY PUBLIC, Florida at Large

3849 Affidavit for Judgment by Default (jl 3-19-08).wpd



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all parties of
record this 27 day of March, 2008.

LAF:jl

/s/ Lawrence A. Fuller, Esq.
Lawrence A. Fuller (NY Bar #5450)